

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

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BENJAMIN CRAIG, Individually and on	:	No. 3:17-cv-01005-SMH-JPM
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
CENTURYLINK, INC., GLEN F. POST, III	:	
and R. STEWART EWING, JR.,	:	
	:	
Defendants.	:	
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**APPEAL UNDER RULE 72(a) AND LOCAL RULE 74.1 OF THE MEMORANDUM  
ORDER ISSUED BY THE MAGISTRATE JUDGE ON OCTOBER 20, 2017**

KBC Asset Management NV (“KBC”) hereby respectfully appeals the Memorandum Order issued by Magistrate Judge Perez Montes on October 20, 2017 (ECF No. 80). The Memorandum Order addressed the selection of lead plaintiff and lead counsel.

On August 21, 2017, KBC filed a motion (ECF No. 25) asking the Court to appoint it lead plaintiff and approve its selection of lead counsel for the proposed class in the above-captioned securities fraud class action, pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”). KBC’s motion was opposed by another member of the proposed class who also sought appointment as lead plaintiff in this action. On October 20, 2017, following briefing by the two competing movants, Magistrate Judge Perez Montes issued a Memorandum Order denying KBC’s motion on the basis that the “professional plaintiff” provision of the PSLRA barred KBC from being appointed lead plaintiff. *See* ECF No. 80 at 9. This issue, which was raised by the Magistrate Judge *sua sponte*, is one to which KBC has not had an opportunity to respond.

KBC now appeals the denial of its motion and the appointment of another movant as lead plaintiff for the reasons more specifically addressed in the accompanying memorandum of law.

DATED: November 3, 2017

Respectfully submitted,

*s/ Gregg S. Levin*

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2017, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send a Notice of Electronic Filing to all counsel of record. In addition, on November 3, 2017, I also caused to be served a copy of the foregoing by Overnight Mail upon the following persons:

Hon. S. Maurice Hicks, Jr.  
United States District Judge  
300 Fannin St., Suite 5101  
Shreveport, LA 71101

Hon. Joseph H. L. Perez-Montes  
United States Magistrate Judge  
U. S. Court House and Post Office Building  
515 Murray St., Room 331  
Alexandria, LA 71301

Executed on November 3, 2017.

*s/ Gregg S. Levin*

Gregg S. Levin (admitted *pro hac vice*)